

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ROHIT GANDHI,

Plaintiff,

- against -

BELL MEDIA INC.

Defendant.

Docket No. 1:18-cv-4706

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Rohit Gandhi (“Gandhi” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Bell Media Inc. (“Bell” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted video of the Prime Minister of Canada Justin Trudeau dancing in India, owned and registered by Gandhi, a professional photographer. Accordingly, Gandhi seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

## **PARTIES**

5. Gandhi is a professional photographer in the business of licensing his photographs and videos to online and print media for a fee having a usual place of business at Sector A, Pocket A, 1022, Vasant Kunj, New Delhi, Delhi 110070 India.

6. Upon information and belief, Bell is a corporation with a place of business at 50 Eglinton Ave. East Toronto, ON M4P 1A6. At all times material, hereto, Bell has owned and operated a website at the URL: [www.ctvnews.ca](http://www.ctvnews.ca) (the “Website”).

## **STATEMENT OF FACTS**

### **A. Background and Plaintiff’s Ownership of the Video**

7. Gandhi took a video of the Prime Minister of Canada Justin Trudeau dancing in India (the “Video”). A true and correct copy of the Video is attached hereto as Exhibit A.

8. Gandhi is the author of the Video and has at all times been the sole owner of all right, title and interest in and to the Video, including the copyright thereto.

9. The Video was registered with the United States Copyright Office and was given registration number PA0002112170 and titled “2.22.18\_Justin Trudeau doing Bhangra at the residence of Ambassador of Canada to India.” See Exhibit B.

### **B. Defendant’s Infringing Activities**

10. On or about February 23, 2018, Bell ran an article on the Website titled *Bollywood bhangra blunder?: India not impressed with Trudeau's dancing*. See URL <https://www.ctvnews.ca/politics/bollywood-bhangra-blunder-india-not-impressed-with-trudeau-s-dancing-1.3816130>. The article prominently featured the Video. A true and correct copy of the article is attached hereto on a CD in Exhibit C.

11. Bell did not license the Video from Plaintiff for its article, nor did Bell have Plaintiff's permission or consent to publish the Video on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST BELL)**  
**(17 U.S.C. §§ 106, 501)**

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Bell infringed Plaintiff's copyright in the Video by reproducing and publicly displaying the Video on the Website. Bell is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Video.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Defendant have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

17. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Video, pursuant to 17 U.S.C. § 504(c).

18. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Bell be adjudged to have infringed upon Plaintiff's copyrights in the Video in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Video; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
August 21, 2018

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